

COLORADO STATE BOARD OF PHARMACY

May 15, 2008

Minutes

The Colorado State Board of Pharmacy meeting was convened by President E. Katherine Edelblut, R.Ph., at approximately 8:35 a.m. on Thursday, May 15, 2008 at 1560 Broadway, Conference Room 1380 A & B, Denver, CO. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Jeannine G. Dickerhofe, R.Ph., Rich Doyle, R.Ph., E. Katherine Edelblut, R.Ph.; Leonard Hierath, P.E., Paul Limberis, R.Ph.; Mitchell P. Sprier, R.Ph.; and Averil Strand, R.N..

Staff members attending were Wendy Anderson, R.Ph., Program Director; Chief Inspector, Chris Gassen, R.Ph.; Inspector, Susan Martin, R.Ph.; Tia Johnson, Complaint/Licensing Analyst; and Aaron Acker, Specialist, Office of Expedited Settlement. Also present was Jo Kaye, Assistant Attorney General, to advise the Board.

APPROVAL OF MINUTES

The Board approved the minutes from the April 16, 2008 meeting as submitted and approved the minutes from the April 17, 2008 meeting as amended.

ADDITIONS TO THE AGENDA

Ms. Anderson advised the Board of the following additions to the agenda:

- Additional information concerning Goldin Pharmacy & Medical Supply, Case #2008-1641
- Ami Hackman, RPH, Memorandum from Tia Johnson, Complaint/Licensing Analyst, concerning Ms. Hackman's request for changes to requirements of her Stipulation and Final Agency Order.
- Alexandra Hilts, RPH, Memorandum from Tia Johnson, Complaint/Licensing Analyst, concerning Ms. Hilts' request for approval of two practice monitors.
- Additional information concerning Case #2008-2111.
- Additional information concerning Case#2008-1779 and Case #2008-2607
- Case #2008-2477 concerning Robert J. Doherty, RPH
- Case #2008-2476 concerning Safeway Pharmacy #1667
- Pharmacy Board ESP Case Status Report dated May 15, 2008
- Additional information concerning the Increase in Peer Assistance Budget
- REC Report
- 2:30 pm visit to the University of Colorado Hospital and University of Colorado School of Pharmacy

APPEARANCES

None.

HEARINGS

The Board conducted a public hearing concerning additions of or amendments to the following regulations: 3.00.50(e), 4.02.00(c), and 23.00.00, (3 CCR, 719-1). The hearing began at 9:40 a.m. and was held in Conference room 1550 at 1560 Broadway, Denver, Colorado. The Board discussed all proposed changes to the rules then adopted rules 4.02.00(c) as proposed and Rule 23.00.00 as amended. The Board tabled further action to proposed changes to rule 3.00.50(e).

REPORTS

President's Remarks

None.

Program Director's Report

The Board discussed approved proposed revisions to Policy 10-1. It then approved Peer Assistance Services' budget increase for fiscal year 2008-2009. It also approved a 5% increase to that operating budget annually through the 2011-2012 fiscal year. The Board approved increasing the fee charged to pharmacists and interns to \$56 every two years. The Board discussed proposed resolutions to be presented at the National Association of Boards of Pharmacy (NABP) Annual Meeting the following week. In addition it discussed proposed amendments to NABP's Constitution and Bylaws.

The Board then reviewed a proposal from Board staff regarding how to handle situations when a prescription drug wholesaler fails to submit an application detailing a change in designated representative and fee to the Board in a timely manner. The Board, in turn, approved of the proposal.

Ms. Anderson then provided her with possible newsletter items for the August newsletter. Jeannine Dickerhofe volunteered to do a newsletter item regarding the Pharmacy Technician Taskforce. The Board directed staff to write a newsletter item reminding pharmacists of their duty to report drug losses.

Ms. Anderson provided an update on the Electronic Prescription Drug Monitoring Program (PDMP), detailing an event at Walgreen Pharmacy #09568 in which the pharmacy had submitted a dispensing transaction to the PDMP which did not exist. After due consideration, the Board voted to initiate a complaint against Walgreen Pharmacy #09568 for submitting inaccurate information to the PDMP.

Ms. Anderson requested a volunteer to assist Chief Inspector Chris Gassen in reviewing the examination questions on the Multistate Pharmacy Jurisprudence Examination. Katherine Edelblut volunteered.

Ms. Anderson updated the Board on the formation of the Pharmacy Technician Taskforce. She told the Board that several people had volunteered to participate and she would be scheduling the first meeting in June.

The Board then reviewed instances in which some prescription drug outlets failed to timely report thefts and losses of controlled substances to the Board in a timely manner. The Board directed its staff to write an instructional piece in the next Board Newsletter regarding the timely reporting of thefts and losses of both prescription drugs and controlled substances from any pharmacy as well as a pharmacist manager's required involvement in such timely reporting.

Colorado Pharmacists Society (CPS) – Rich Doyle, RPh

Mr. Doyle reported that the next Continuing Education programs being offered by CPS will occur at the 2008 CPS Annual Summer Meeting to be held at the Copper Mountain Conference Center on June 13 and June 14, 2008. Ten hours of ACPE-approved continuing education will be provided. Topics will include a new drug update, disease state management, and a presentation by the Colorado Department of Public Health and Environment on the proper handling of pharmaceutical wastes. Benita Rumold will be installed as the 2008-2009 CPS President at this meeting as well.

The Annual Fall Meeting will be held from September 24-26, 2008 in the Summit Conference Center. Fifteen hours of ACPE-approved continuing education will be provided with education tracks for hospital and community retail pharmacists. This will be the first year that the Annual Fall Meeting's Exhibit Hall will be held in conjunction with the University of Colorado School of Pharmacy's professional Opportunities Day. Pharmacy students will have a chance to meet with potential employers. The Annual Fall meeting awards ceremony will include the presentation of the Bowl of Hygeia. Past recipients of this award include past and present Colorado State Board of Pharmacy members, Jerry Young and Rich Doyle.

Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh

None

Intern & School Relations – Jeannine Dickerhofe, RPh

Cathy Jarvis from the University of Colorado School of Pharmacy reported that there were 128 graduates from the traditional program and 46 from the non-traditional program. On June 10, 2008, the groundbreaking ceremony for the new pharmacy school would occur. Dr. Jarvis announced that the School had hired Peter Rice as the new Associate Dean.

Legislation - Jeannine Dickerhofe, RPh.

Senate Bill 190 was Postponed Indefinitely by the House HHS committee. This bill would have required that pharmacists serving long term care facilities and assisted living facilities accept returned drugs and mandated that these drugs be redispensed.

As a result of the passage of HB07-1021, the Department of Health Care Policy and Financing (the Department) has developed a new program to reimburse pharmacists for their cognitive services in the therapeutic management of Medicaid clients. Through this program, pharmacists will be able to meet with clients and provide a thorough screening for drug-drug interactions, drug-OTC/supplement interactions, drug duplication, and issues related to the client seeing multiple prescribers. The pharmacist will then present any recommendations for changes in therapy to the clients, physicians and any other prescribers. The pharmacist will receive \$75 for each completed consultation.

The Department has developed a program participation packet of materials for pharmacists and the links for those appear on the CPS website, www.copharm.org

This is an opportunity to help Medicaid clients obtain better health outcomes. The Department is looking for pharmacists to assist the Department in providing these kinds of services to Medicaid clients. If anyone is interested in participating, please contact Tom Leahey at thomas.leahey@state.co.us for more information.

Rules – Rich Doyle

None

Inspectors

Proposed Newsletter Item Regarding Internet Pharmacy

The Board considered a memorandum from Chief Inspector Chris Gassen concerning a proposed newsletter item. The Board approved the item requesting that he add some remarks about the Electronic Prescription Drug Monitoring Program.

OLD BUSINESS

Miscellaneous

City Market Pharmacy #428, PDO 151-1

The Board considered a memorandum from Chief Inspector Chris Gassen regarding this prescription drug outlet. The Board had previously reviewed information concerning this prescription drug outlet at its meeting in November.

After due consideration, the Board directed correspondence be sent directing this pharmacy to submit documentation demonstrating that the pharmacy's gate has been repaired or replaced within 45 days.

Follow-up Correspondence from the Drug Enforcement Administration (DEA)

The Board considered a memorandum from Chief Inspector Chris Gassen, and determined no further action concerning this item was necessary.

Health Departments

The Board considered a memorandum from Chief Inspector Chris Gassen, and determined no further action concerning this item was necessary.

However, the Board directed that staff provide a copy of SB 08-194, for inclusion in the Board's July 17, 2008 meeting agenda packet.

Telepharmacy

The Board considered a memorandum from Chief Inspector Chris Gassen, and determined to move further discussion of this particular topic to the Pharmacy Technician Task Force.

Proposed Rules 3.02.00 & 21.00.00

Jeannine G. Dickerhofe, R.Ph., recused.

The Board considered a memorandum from Chief Inspector Chris Gassen concerning proposed amendments to rule 3.02.00 and proposed new rule 21.00.00. The Board had tabled action on these rules at the hearing on January 17, 2008 and held a special meeting in April 2008 to further discuss rule 21.00.00. The Board voted to not adopt the amendments to rule 3.02.00 at this time and to adopt rule 21.00.00 as amended.

Complaints

Goldin Pharmacy & Medical Supply, PDO 411

2008-1641

This case was originally reviewed by the Board at its meeting on March 20, 2008.

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Additionally, the Board directed that correspondence received from the previous pharmacy manager for Goldin Pharmacy & Medical Supply be referred to the Medicaid & Public Assistance Unit of the Office of the Attorney General.

Stipulations

Dombrowski, Steve P., RPH 11200

The Board reviewed an Agenda Memorandum from Tia Johnson, Complaint/Licensing Analyst, concerning Mr. Dombrowski's request for changes to the requirements of his Stipulation and Final Agency Order.

After due consideration of the available information, the Board denied Mr. Dombrowski's request.

Hackman, Ami, RPH 14747

The Board reviewed an Agenda Memorandum from Tia Johnson, Complaint/Licensing Analyst, concerning Ms. Hackman's request for changes to the requirements of her Stipulation and Final Agency Order.

After due consideration of the available information, the Board approved Ms. Hackman's request.

Hilts, Alexandra, RPH 14471

The Board reviewed an Agenda Memorandum from Tia Johnson, Complaint/Licensing Analyst, concerning Ms. Hilts' request for approval of two practice monitors.

After due consideration of the available information, the Board approved Ms. Hilts' request.

NEW BUSINESS

Complaints

Cardinal Health (Pharmaceutical Supply), WHI 6012 2008-2965

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Fitzgerald, Lori A., RPH 15797 2008-2525

Jeannine G. Dickerhofe, R.Ph., recused.

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Hyde, John, RPH 14544 2008-2101

A motion was made, seconded, and carried to dismiss the case as being without merit.

Krygiell, Lynn M., RPH 14576 2008-2445

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

May, Robert C., RPH 12515 2008-2501

After due consideration of the available information, the Board voted to refer the case for discipline.

Marks, Michael L., RPH 15577 2008-2703

After due consideration of the available information, the Board voted to refer the case for discipline.

Kaplan, David M., RPH 17534 2008-2704

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Hughes, Laren L., RPH 11205 2008-2705

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Kiser, Richard M., 14626 2008-2706

After due consideration of the available information, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act and Board regulations.

Ross, Mary M., RPH 17208

2008-2707

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Additionally, after review of the information contained in Case #2008-2703, Case #2008-2704, Case #2008-2705, Case #2008-2706, and Case #2008-2707, the Board directed a complaint be initiated against Wal-Mart Pharmacy #10-5099, PDO 525.

Sabbaghkar, Nahideh, RPH 16695

2008-2401

After due consideration of the available information, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act and Board regulations.

Additionally, the Board directed that information contained in this case be referred to the Colorado Board of Nursing.

Townsend, George V., RPH 16367

2008-2500

After due consideration of the available information, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act and Board regulations.

Additionally, the Board directed that information contained in this case be referred to the Colorado Board of Nursing and the Colorado Department of Public Health and Environment.

Walgreen Pharmacy # 3510, PDO 37-37

2008-2617

Mitchell P. Sprier, R.Ph., recused.

After due consideration of the available information, the Board voted to refer the case for discipline.

Doherty, Robert J., RPH 16511

2008-2477

After due consideration of the available information, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act and Board regulations.

Safeway Pharmacy #1667, PDO 160-1

2008-2476

A motion was made, seconded, and carried to dismiss the case as being without merit.

LICENSING

Other Outlets, New

The Board approved the registration of 1 new outlet.

Prescription Drug Outlets, New (In-State)

The Board approved the registrations of 2 new in-state outlets.

Prescription Drug Outlets, New (Out-of-State)

The Board approved the registrations of 5 new out-of-state outlets.

Wholesalers

The Board approved the registrations of 13 Out-of-State Wholesalers.

Licensure by Examination

The Board ratified the licensure of 4 applicants for licensure by examination.

Licensure by License Transfer

The Board ratified the licensure of 6 applicants seeking licensure through license transfer. It was noted that these licensees met all of the requirements for licensing under the provisions of section 12-22-116, C.R.S.

Licensure Issues

Pharmacy Intern Licensure Issues

Ellerbeck, Lafe A., Pharmacy Intern Applicant

The Board reviewed an Agenda Memorandum from Tia Johnson, Complaint/Licensing Analyst. After due consideration, the Board voted to table the application pending receipt of additional information.

Marcus, Edward J., Pharmacy Intern Applicant

The Board reviewed an Agenda Memorandum from Tia Johnson, Complaint/Licensing Analyst. After due consideration of all the information submitted the Board voted to deny the application.

Sanchez, Jason J., Pharmacy Intern Applicant

The Board reviewed an Agenda Memorandum from Tia Johnson, Complaint/Licensing Analyst. After due consideration, the Board voted to table the application pending receipt of additional information.

MISCELLANEOUS

Correspondence, etc.

Peer Assistance Services, 3rd Quarter Report

The Board reviewed and noted the information.

Rx Beat, Spring 2008

The Board reviewed and noted the information.

EXECUTIVE SESSION

Board President E. Katherine Edelblut moved that the Board enter into executive session as authorized by CRS 24-6-402 subsection (3)(a) roman (III) to discuss matters which are required by law to be kept confidential. Specifically, the provisions of law requiring these matters to be kept confidential are:

CRS 24-4-402 subsection (3)(a) romans (II) and (III), and section 13-90-107(b), which protect as confidential communications with counsel that are matters of pending or imminent litigation, or are otherwise subject to the attorney-client privilege, and CRS 25-1-1201 et sequitor, which protects the confidentiality of information pertaining to individual medical records.

The motion was unanimous.

Case Status Reports

The Board read and discussed the REC report

The Board read and discussed the May 15, 2008 case status report from Mr. Acker.

The Board read and discussed the May 15, 2008 case status report from Ms. Kaye.

The Board discussed all items referred to it earlier in the meeting as well as matters confidential by law.

OPEN SESSION

The Board approved admission into the REC of applicant PR-08-154.

ADJOURNMENT

The Board adjourned at 2:25 p.m. and reconvened at approximately 3:00 p.m. at the University of Colorado Hospital. The members reviewed a new robot which will make chemotherapeutic agents for the hospital. The members then toured the new facilities for the University of Colorado School of Pharmacy. The Board adjourned again at approximately 6:00 p.m.

Approved by E. Katherine Edelblut, RPh, President

Date: July 17, 2008

Attestation:

Pursuant to § 24-6-402(2)(d.5)(I)(B), C.R.S. , as Board President, I attest that the executive session of the Colorado Board of Pharmacy meeting held on May 15, 2008, was confided to the topics authorized for discussion pursuant to 24-6-402(3)(a)(II), 24-6-402(3)(a)(III), C.R.S.

Approved by E. Katherine Edelblut, RPh, President

Date: July 17, 2008

Pursuant to § 24-6-402(2)(d.5)(I)(B), C.R.S. , as counsel for the Board, I attest that it is my opinion that all matters discussed during the executive session of the Colorado Board of Pharmacy meeting held on May 15, 2008, constituted attorney-client communications and the contents of attorney-client discussions are not reflected within these minutes.

Approved by Jack Wesoky, Assistant Attorney General

Date: July 17, 2008